THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.16230 OF 2005

DATE OF DISPOSAL 31-10-2005

BETWEEN:

P.RADHIKA … PETITIONER

V

GOVT. OF A.P. REP. BY ITS

SPECIAL CHIEF SECRETARY, REVENUE

(REGISTRATION), SECRETARIAT, HYDERABAD

AND THREE OTHERS …. RESPONDENTS

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B.SESHASAYANA REDDY

WRIT PETITION NO.16230 OF 2005

O R D E R :

1. This writ petition has been filed by P.Radhika challenging the validity of G.O.Ms.No.583, dated 4.5.2005 issued by Government of Andhra Pradesh.

2. The petitioner claims to have purchased 539 square yards in S.No.144/1 Madhurawada from Narava Guruvula under a registered sale deed dated 9.7.2003. It is her contention that the Government issued the impugned G.O.Ms.No.583 without noticing the fact that the right of Narava Guruvula in respect of Ac.4-35 cents in S.No.144/1 has been recognized by the Settlement Officer, Visakhapatnam.

3. Heard learned counsel appearing for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

4. Learned counsel appearing for the petitioner submits that ryotwari patta in the name of Narava Guruvula has been granted in respect of Ac.4-35 cents in S.No.144/1 of Madhurawada, Vishakpatnam under proceedings dated 3.5.2003 of the Joint Collector and Settlement Officer, Visakhapatnam. It is also submitted by him that the Mandal Revenue Officer, Visakhapatnam issued proceedings on 16.6.2003 for mutating the name of Narava Guruvula in the revenue records in respect of Ac.4-35 cents in S.No.144/1 of Madhurawada, Visakhapatnam. As seen from the impugned Government Order the only reference on which the Government Order, came to be issued is the letters of Collector, Visakhapatnam dated 12-5-2003 and 22.5.2003. The proceedings of the Joint Collector and Settlement Officer, Visakhapatnam dated 3.5.2003 indicate that ryotwari patta in the name of Narava Guruvula came to be issued in respect of land covered by S.No.144/1 measuring Ac.4.05 cents of Madhuravada village, Visakhapatnam (Rural) Mandal. I deem it appropriate to refer the relevant portion of the order dated 3.5.2003 and it is thus:

" As seen from the records filed by the claimant and the Mandal Revenue Officer, Visakhapatnam (Rural) it is clear that the lands covered by R.S.No.144/1 measuring Ac.4.05 cents was carved out from O.S.No.278/4 part which is classified as Inam Dry land during preabolition period in the name of Arbthunot Company and the sale

deeds copies of which were filed by the claimant and Encumbrance certificate prove that the schedule land was purchased from Arbthunot Company and changed several hands through registered sale deeds and finally acquired by Narava Guruvula, S/o Appalaswamy.

A close perusal of the documents reveal that the southern part of R.S.NO.144 was sold to Narava Guruvulu and as per the localization and identification of the schedule land by the Inspector of Survey, Office of the Assistant Director, Survey and Land Records, Visakhapatnam, the claim land is covered by S.No.144/1 measuring Ac.4.05 cents of Madhuravada village of Visakhapatnam (Rural) Mandal."

5. The Mandal Revenue Officer considered the orders passed by the Joint Collector and Settlement Officer dated 3.5.2003 and issued proceedings on 16.6.2003 for entering the name of Narava Guruvula in the revenue records in respect of land in Survey No.144/1 admeasuring Ac.4.05 cents. The records placed before me disclose that the government did not take note of the orders passed by the Joint Collector and Settlement Officer dated 3.5.2003 and also the orders of the Mandal Revenue Officer dated 16.6.2003. while issuing G.O. impugned in the writ petition.

6. In that view of the matter, this writ petition is disposed of directing the petitioner to submit an application afresh to 1st respondent for deletion of land, which he claims to have purchased from Narava Guruvula, within two months from the date of receipt of a copy of this order. Thereupon, the 1st respondent shall pass appropriate orders on the application of the petitioner. Keeping in view of the orders dated 3.5.2003 of Joint Collector and Settlement Officer and order dated 16.6.2003 of the Mandal Revenue Officer, within a period of two months thereof. No costs.

Dated: 31-10-2005. (B.Seshasayana Reddy,J)

tnb

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